

cc: J. Jones, M.J. Blumitt & Associates

OFFICE OF THE CLERK

MARCIA M. WALDRON  
CLERK

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT  
21400 UNITED STATES COURTHOUSE  
601 MARKET STREET  
PHILADELPHIA 19106-1790

TELEPHONE  
215-597-2995

Harrisburgh Clerk of District Court  
(District)

Date 11-26-02

Kerney v Mendez  
(Caption)

C. of A. No. 02-3684

John Charles Kerney  
(Appellants)

00-CV-2143  
(D.C. No.)

Enclosures:

11-26-02 Certified copy of C. of A. Order by the Court/Clerk  
(Date)

J. Jones/M.J. Blumitt

RECEIVED  
11/29/02  
JME

\_\_\_\_\_ Released (Record) (Supplemental Record - First - Second - Third)

\_\_\_\_\_ Copy of this form to acknowledge receipt and return to C. of A.

\_\_\_\_\_ Record not released at this time until appeal(s) closed at No. (s) \_\_\_\_\_

\_\_\_\_\_ Please forward Certified List in Lieu of Record to this office.

\_\_\_\_\_ The certified copy of order issued as the mandate on \_\_\_\_\_  
is recalled.

Phyllis Ruffner (267)-299- 4918  
Deputy Clerk Telephone Number

Receipt Acknowledge:

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Date)

Rev. 3/13/00  
Appeals (Certified List in Lieu of Record)

132  
12/2/02  
vfy

EPS-048

November 25, 2002

## UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 02-3686

Kenney v. Mendez  
(M.D. Pa. No. 00-cv-02143)

**FILED**  
HARRISBURG, PA

To: Clerk

NOV 29 2002

1) Motion for Leave to Proceed In Forma Pauperis

MARY E. DIAMOND  
Per [Signature]  
Deputy Clerk

The foregoing Motion to proceed in forma pauperis is granted. Appellant is a prisoner and seeks to proceed in forma pauperis on appeal. Appellant is required to pay the full \$105.00 fee in installments regardless of the outcome of the appeal. Appellant has completed and filed the required authorization form permitting the appropriate prison officials to assess, collect and forward to the District Court the filing and docketing fees for this appeal pursuant to 28 U.S.C. §§ 1915(b)(1) and (2). The Court hereby directs the warden or his or her designee to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to the prisoner's account; or (b) the average monthly balance in the prisoner's account for the six month period immediately preceding the filing of the notice of appeal. The warden, or his or her designee, shall calculate, collect, and forward the initial payment assessed in this order to the United States District Court for the Middle District of Pennsylvania. In each succeeding month when the amount in the prisoner's account exceeds \$10.00, the warden, or his or her designee, shall forward payments to the United States District Court for the Middle District of Pennsylvania equaling 20% of the preceding month's income credited to the prisoner's account until the fees are paid. Each payment shall reference the appellate docket number for this appeal.

This appeal will be submitted to a panel of the Court for determination under 28 U.S.C. § 1915(e)(2). The Court also will consider any other appropriate action, such as summary affirmance of the order of the District Court. See Third Circuit Internal Operating Procedures Chapter 10.6.

A True Copy:

For the Court,

Marcia M. Waldron

Marcia M. Waldron,  
Clerk

Marcia M. Waldron

Clerk

Dated: NOV 26 2002

partcc:cc: J.C.K.  
J.J.T.Egg.